

RECORD OF COMMUNICATION

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Summary of Call with Powertech to discuss options for the aquifer exemption boundary and how the EPA public review process differs from the NRC public review process

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Summary of Call:

Powertech requested a call to discuss the steps to change the aquifer exemption boundary from the location originally requested.

The EPA's answer: Submit a new AE request with maps showing where the new AE boundary would be located. Powertech would need to do updated capture zone analysis for all the private wells located downgradient or cross-gradient near any wellfields, basically redo the EPA's capture zone analysis with a flow model that can simulate well pumping and well resting stages more realistically than the EPA's status pumping equation.

The first draft Aquifer Exemption Record of Decision set the AE boundary 120 feet from the perimeter monitoring well rings. The EPA realized that the perimeter monitoring well ring could shift slightly after wellfield delineation drilling identified more precisely the edges of the uranium ore deposits. We will issue an updated AE Record of Decision that makes clear to the public the fact that the AE boundary could shift after wellfield delineation. The Region 8 Office of Regional Council advised the UIC Program that the AE ROD would need to show the public just how far out the AE boundary could potentially move before the EPA would need to receive a new AE application.

EPA questions to Powertech: What is the maximum extent Powertech expects the AE boundary to move?

Powertech response: no more than ¼ mile from the present boundaries of the uranium ore deposits (what Powertech considers to be the wellfield boundaries), and most likely not nearly that far in most cases.

EPA reply: the new AE ROD will include a map that shows a boundary ¼ from the edge of the ore deposits with the aquifer exemption boundary map overlain to show the public the maximum extent the AE boundary could move before the EPA would require a new aquifer exemption application and new capture zone analysis for private wells.

Powertech had also asked the EPA if the agency could simulate the NRC public review process where information is released to the public as it is handled by the agency, rather than go through the 30-day public comment period.

The EPA's answer: The EPA public review process is regulated under 40 CFR part 124. We have to have issue draft permit decisions, schedule a 30 days comment period, provide a public hearing if the public requests one. With the level of public interest we will schedule the public hearing without waiting for a request from the public. There is no process for release documents for public review before the draft permit issuance.